

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1969 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

VASANTLAL N SHAH

Versus

PUNJAB NATIONAL BANK

Appearance:

MR GAURANG H BHATT for Petitioner

MR SHANTILAL M SHAH for Respondent No. 1, 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 03/12/1999

ORAL JUDGEMENT

Heard Mr. Bhatt, the learned advocate for the petitioner and Mr. S.M.Shah for the respondents. When the matter was taken up for final hearing, learned advocate appearing for the petitioner has submitted that in the present case, the petitioner has prayed for the

following reliefs in para 15(A) & (B):

"15(A) That this Hon'ble Court may be pleased to issue a writ of prohibition or any other writ, order or directions in the nature of prohibition prohibiting the respondents to conduct the departmental enquiry in pursuance to the chargesheet Annexure "C" collectively issued by the respondent bank on 15.10.1987 during the pendency of criminal proceedings against the petitioner and to allow this petition.

(B) that this Hon'ble High Court may be pleased to stay the departmental proceedings initiated in pursuance to the impugned chargesheet dated 15.10.1987 issued by the respondent bank annexure "C" collectively till and pending the admission, hearing and final disposal of this petition."

According to Mr. Bhatt, the learned advocate for the petitioner, initially, while issuing rule on this matter, ad interim relief was granted by this Court in terms of paragraph 25(B) of this petition with a clarification that it will be open to the respondent authorities to request the Court for modifying or for vacating the interim order after filing the affidavit in reply. It was also directed by this Court that the respondent should file affidavit in reply latest by July 31, 1988.

Thereafter, an affidavit in reply was filed by one V.K.Sachdev, Senior Manager of the respondent Bank on behalf of the respondent bank which is at page 59 of the petition. Thereafter, affidavit in rejoinder was also filed by the petitioner on 22nd August, 1988 and thereafter, further affidavit has been filed by the petitioner on 9th January, 1989 pointing out the fact that against the petitioner, that ten chargesheet of criminal case No. 561 to 570 of 1988 were filed against the petitioner by Dhrangadhra City Police Station for the offence punishable under section 409 and 471 of the Indian Penal Code in connection with the complaint filed by the respondent bank on 12th June, 1987. Said documents were produced by the petitioner on record. After considering the petition, reply and the rejoinder thereto, this court has, under its interim order dated 12th January, 1989, vacated the earlier ad interim order. Mr. Bhatt has submitted that the said order vacating ad-interim order passed earlier by this Court was

challenged by the petitioner before the Division Bench of this Court by filing Letters Patent Appeal No. 37 of 1989. Said letters patent appeal was, thereafter, withdrawn by the petitioner on 27th January, 1989.

Therefore, since the ad interim relief granted earlier was ordered to be vacated by this Court under order dated 12th January, 1989, the prayers made in paragraph 25(A) shall not survive. The petitioner has prayed for a writ of prohibition prohibiting the respondent bank from conducting the departmental enquiry against the petitioner in pursuance to the chargesheet annexure "C" dated 15th October, 1987 during the pendency of the criminal proceedings against the petitioner. Mr. Bhatt, the learned advocate appearing for the petitioner not aware about the ultimate outcome of the departmental inquiry. Therefore, in view of the order dated 12th January, 1989, this petition has become infructuous and the same is required to be disposed off with a liberty to the petitioner to challenge the ultimate outcome of the departmental inquiry initiated against him pursuant to the chargesheet annexure "C" before the appropriate forum in accordance with law. Accordingly, this petition is disposed of as having become infructuous. Rule is discharged. There shall be no order as to costs. It shall be open for the petitioner to challenge the ultimate outcome of the departmental inquiry before the appropriate forum in accordance with law.

3.12.1999. (H.K.Rathod,J.)

Vyas